

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Annette Al Sharifi,

and

Ebeid Al Sharifi,

Plaintiff,

v.

Stellar Recovery, Inc.
c/o Business Filings Incorporated
118 W. Edwards Street, Suite 200
Springfield, IL 62704,

Defendant.

Case No.

COMPLAINT

Jury Demand Requested

JURISDICTION AND VENUE

- 1- This court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337, 1367; and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

PARTIES

- 3- Plaintiffs incurred an obligation to pay money, the primary purpose of which was for personal, family, or household uses (the "Debt").
- 4- Plaintiffs are residents of the State of Illinois.
- 5- Defendant is a corporation with its principal office in the State of Florida.
- 6- Defendant acquired the Debt after it was in default and therefore qualifies as a "Debt Collector" under the Fair Debt Collection Practices Act.
- 7- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.

8- Defendant regularly attempts to collect, or attempts to collect, debts that it acquired after the same were in default.

9- At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

FACTS COMMON TO ALL COUNTS

10- On or around June 1, 2015, Plaintiffs filed a voluntary bankruptcy petition.

11- Upon filing their petition, Plaintiffs gained the benefit of the bankruptcy stay, which applied to the Debt with Comcast.

12- On July 31, 2015, through their attorneys, Plaintiffs notified Comcast via facsimile that they had filed bankruptcy, and that the bankruptcy stay applied to the Debt.

13- On September 4, 2015, through their attorneys, Plaintiffs again notified Comcast via facsimile that they had filed bankruptcy, and that the bankruptcy stay applied to the Debt.

14- Defendant acquired the Debt after June 1, 2015.

15- Despite the bankruptcy filing, on or around September 5, 2015, Defendant sent a letter to Plaintiffs to collect the Debt.

16- At the time of the letter, Defendant knew, or should have known, that Plaintiffs filed bankruptcy.

17- Defendant damaged Plaintiffs.

18- Defendant violated the FDCPA.

COUNT I

19- Plaintiffs incorporate all the allegations and statements made above as if reiterated herein.

20- Defendant violated 15 USC §1692c(a)(2) by communicating with a consumer after having notice that the consumer was represented by an attorney.

COUNT II

21- Plaintiffs incorporate all the allegations and statements made above as if reiterated herein.

22- Defendant violated 15 USC § 1692e(2) by misrepresenting the character, amount, and/or legal status of the Debt.

COUNT III

23- Plaintiffs incorporate all the allegations and statements made above as if reiterated herein.

24- Defendant violated 15 USC § 1692e(10) by using false representations and/or deceptive means to collect, or attempt to collect, the Debt.

COUNT IV

25- Plaintiffs incorporate all the allegations and statements made above as if reiterated herein.

26- Defendant violated 15 USC § 1692f by engaging in unfair and/or unconscionable means to collect, or attempt to collect, the Debt.

COUNT V

27- Plaintiffs incorporate all the allegations and statements made above as if reiterated herein.

28- Defendant violated 15 USC § 1692e by engaging in false, deceptive, or misleading methods to collect a debt.

JURY DEMAND

29- Plaintiffs demand a trial by jury.

PRAYER FOR RELIEF

30- Plaintiffs pray for the following relief:

- a. Judgment against Defendant for Plaintiffs' actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$2,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);

- c. Judgment against Defendant for Plaintiffs' reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3);
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Meier LLC

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